

PLANNING AND ZONING COMMISSION
Monday September 10, 2007 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Mr. McCoy, Ms. Solomon, Mr. Vasko and Mr. Wynkoop. Mr. McCoy made a motion to excuse Mr. Harper. Mr. Graber seconded the motion. The motion passed unanimously.

Approval of Minutes

Mr. Wynkoop made a motion to approve the minutes of the August 13, 2007 regular meeting. Ms. Solomon seconded the motion. The motion passed unanimously.

Public Comment

There were no public comments.

Administration of Public Oath

Mr. Christensen administered the public oath.

Council Remand Appeal Back To Planning and Zoning Commission

Mr. Christensen noted that this item would be moved to later in the agenda until village legal council is present.

Pending Applications

Application #VA-07-11 The property owners and applicants, Kenneth and Toni Elliott of 7795 Ashstone Court, are requesting a variance to the Ashbrook Village development text regarding the rear yard setback. Andrew Dutton, Zoning Officer, gave the staff report. This application was tabled at the last meeting and the applicants have come back with revised drawings for this request.

Mr. Graber asked if the deck overhang is okay because of the height in the air? The Commission discussed what they would consider to be an overhang into the easement. The Commission agreed that the overhang will apply to all decks. The applicants no longer need a variance as a result of the revised drawings in accordance with Section 1183.02 (b).

Mr. McCoy made a motion to dismiss Application #VA-07-11. Ms. Solomon seconded the motion. The motion passed unanimously.

Old Business

Altercare Nursing Home development located at the SW corner of Thrush Drive and Groveport Road: to consider changes to the original approved Final Site Plan (Application #FSP-05-13) in regards to building layout, emergency fire access/turn around and building materials. Allan Neimayer, Planning and Zoning Administrator, gave the Commission an update. Mr. Neimayer informed the Commission that Matt Peoples, Director of Public Works, has indicated a gravity sanitary sewer line from Potter Lodge to the Thrush Drive sanitary line will not work due to elevation problems. It would be in Potter Lodge's financial interest to look at securing necessary easements to access an existing sanitary sewer manhole southwest of their site.

Brian Reeder of Reeder Architects, agent for the owners, reviewed with the Commission the revised emergency fire access/turn around that they are now proposing. They have been working with Madison Township Fire Department. Rick Stelzer of the Madison Township Fire Department was present and answered questions from the Commission.

Randy Burchfield, attorney representing Potter Lodge, stated that they had no problem with the initial fire emergency access proposed in 2005. The communication between Potter Lodge and Altercare broke down. Potters Lodge has wanted an easement to get access to the sanitary sewer along Thrush Drive. They never requested any money from Altercare. Mr. Burchfield stated that Potter Lodge would be willing to negotiate with Altercare if this plan is approved. If this plan is approved, Potter Lodge has concerns about a catch basin near their property as well as irrigation causing damage to their grass. Mr. Neimayer stated that the applicant will be required to submit civil engineering drawings that show that the revised fire emergency access/turn around areas will not affect any surrounding properties including Potter Lodge.

Mr. Neimayer then reviewed the landscaping changes from the original approved Final Site Plan. In consulting with Dick Miller, Urban Forester, Mr. Neimayer recommended the landscaping on the south side of the northern access drive that was included on the original approved site plan be added to this revised site plan. In additional, Mr. Neimayer recommended that trees be added to the green island around that parking lot area.

The Commission then discussed changes to the building elevation. The question was brought up to know if there was less brick on the building. Mr. Reeder stated that more brick was added based on comments made at the September 13 Commission meeting.

Mr. Vasko made a motion to amend Application #FSP-05-13 with the following conditions:

1. Per the drawings dated 08/27/2007 and submitted via e-mail on 9/4/2007.
2. Required landscaping in accordance with chapter 1191 of the Zoning Code.

Council Remand Appeal Back To Planning and Zoning Commission

Gene Hollins, Village Law Director, explained the Applicant filled a Chapter 2605 Administrative Appeal of Council's original remand to the Planning and Zoning Commission with the Court of Common Pleas. The Court of Common Pleas now has jurisdiction of this matter and we are divested of any jurisdiction. We will take no further action until the court rules on whether it was a proper remand.

Bruce Ingram, attorney for the Applicant, requested to be heard on the point. Mr. Christensen stated that they were instructed to do no action. Mr. Ingram then stated that there was no legal reason for the Commission not to hear the remand. It is on the agenda for tonight, since they will not hear it there will be consequences.

New Business

Buyers Automotive – Discussion regarding an automotive sales lot at the former Wendy's building at 202 Cemetery Road. Representatives for Byers Automotive has requested discussion of this matter be delayed to next month.

Planning and Zoning Administrator's Report

1. Canal Pointe –Dublin Building Systems is working on a project at the southwest corner of Diley and Howe Industrial Parkway. It is a medical business office. The site plan process should start next month.
2. Mr. Neimayer asked if there were any Commission members that would like to go to the Planning and Zoning workshop on Wednesday, September 19 in conjunction with the 2007 Ohio Planning Conference. Mr. Vasko will check his schedule. No one else is able to attend.
3. The amendments to the Zoning Code were adopted by Council on September 4, 2007 and become effective on October 4, 2007.
4. The new amendments to the floodplain chapter were also adopted by Council on September 4, 2007. They also become effective on September 19, 2007.
5. The Steering Committee of the commercial development standards committee has completed its final draft. There is one item that Mr. Neimayer still needs to work with MSI and this is the lighting standards.
6. Land use plan update. This final draft is completed except for some revisions to a few maps.
7. Mr. McCoy inquired about the arson house. Mr. Hollins stated that they have filed suit in environmental court over a month ago. Because of this, the relatives of the owner have contact Mr. Hollins and want to sell the house. Mr. Hollins stated that they could fix the house up and place a lien on it, so that when the house does sell we will get our money back at that time.
8. Mr. Neimayer had asked the Street Tree Advisory Board (STAB) to come to tonight's meeting to continue the discussion on tree preservation (subject matter raised by the commercial development standards committee). All STAB members were not in attendance. Mr. Neimayer will coordinate with Dick Miller for this discussion with STAB at the October 8 meeting.

Mr. McCoy asked Mr. Hollins for an update on the Parker Marathon Station. Mr. Hollins stated that it is in the hands of the Franklin County CIC. Mr. Neimayer stated the county CIC did not

get the grant that was applied for this site. He said that Chris Strayer, Development Director, will be meeting with the county CIC to discuss other funding options.

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. McCoy seconded the motion. The motion passed unanimously.

Time Out: 7:57 p.m.

Date _____

Bill Christensen, Chairman

Mike Vasko, Secretary